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Individually and on behalf of all others similarly situated

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

KATHLEEN HANNI, individually and on ) behalf of all others similarly situated, )  Plaintiff, )  v. ) AMERICAN AIRLINES, INC.; and DOES 1 ) through 20, inclusive, )  Defendants. ) _____ )	No. C08-00732 CW  <b>(Proposed) ORDER DENYING DEFENDANT AMERICAN AIRLINES' MOTION TO DISMISS</b>  Date: July 10, 2008 Time: 2:00 p.m. Courtroom: 2, 4 <sup>th</sup> Floor
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This matter came before the Court on July 10, 2008, before the Honorable Claudia Wilken, United States District Judge, presiding, on Defendant American Airlines, Inc.'s Motion to Dismiss Plaintiff's First Amended Complaint. After reviewing and considering the moving and responsive papers of Defendant and Plaintiff regarding said motion and the record in this action, and after hearing from counsel for the parties at the hearing on the motion, and after due deliberation and consideration, the Court rules as follows:

1 It is found and adjudged that the Defendant's federal preemption arguments were  
2 previously raised and were rejected in the Court's April 25, 2008 order, and have, therefore  
3 been raised improperly in violation of Local Rule 7-9. Accordingly, the following portions of  
4 the Defendant's notice of motion and memorandum of points and authorities filed in support  
5 of its motion to dismiss are stricken: notice of motion, page 2, lines 4 through 10; supporting  
6 memorandum of points and authorities, page 3, line 4 through page 6, line 23; page 6 line 24  
7 through page 9 line 18; page 13, lines 3 through 8; page 14, lines 7 through 8; page 14, line 17  
8 through page 15, line 14; and, page 20, line 9 through page 21, line 2. Plaintiff is authorized  
9 to file a motion for sanctions for violation of Local Rules.

10 It is further found and adjudged that the Defendant's Motion to Dismiss is denied.

11 It is further found and adjudged that the seventh and eighth causes of action of  
12 the first Amended Complaint are dismissed without prejudice.

13 It is further found and adjudged that Defendant American Airlines, Inc., shall have  
14 20 days to answer the First Amended Complaint.

15 It is further found and adjudged that the parties are ordered to meet and confer  
16 re FRCP 26 disclosures within 30 days.

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18  
19 Dated: \_\_\_\_\_, 2008

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United States District Judge